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10/759,625

01/15/2004

James L. Gardiner

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Kunzler & McKenzie

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SUITE 600

SALT LAKE CITY, UT 84111

EXAMINER

DAM, KIM LYNN

ART UNIT

PAPER NUMBER

2179

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/759,625

**Applicant(s)**

GARDINER, JAMES L.

**Examiner**

Kim-Lynn Dam

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/14/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the application filed on 1/15/2004. Claims 1-20 have been examined and are pending. Claims 1, 11 and 20 are independent.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed 4/14/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being anticipated by Tipton ([www.findagrave.com](http://www.findagrave.com)) in view of Boeck ([www.cemeterymap.com](http://www.cemeterymap.com)).

Regarding claim 1, Tipton disclosed a device for accessing cemetery records, the device comprising:

a database containing records, the records including biographical information of deceased individuals (Page 1; Page 10).

Tipton did not specifically disclose a graphical user interface module configured to display to a user a representation of the records arranged to reflect the relative locations of the graves to which the records correspond. However, in an analogous art, Boeck disclosed the above limitation (Page 2, paragraph 2, lines 10-13; Page 5 and 6 (where page 6 shows representation of the records from "view map" link shown on page 5)). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the representation of the records as taught by Boeck into the system of Tipton since it allows users to more clearly associate the records with the locations of the graves.

Regarding claim 2, the rejection of claim 1 is incorporated and further Tipton disclosed comprising a display module configured to provide an alphabetical list of names of deceased individuals contained within the database of records to a user (Pages 2-5).

Regarding claim 3, the rejection of claim 1 is incorporated and further Tipton disclosed comprising a grave image module configured to provide digital representations of the graves to a user (Page 10).

Regarding claim 3, the rejection of claim 1 is incorporated and further Boek disclosed comprising a global positioning system module configured to provide the geographical

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coordinates of individual graves to a user (Page 5 and Page 6, where Lot 532 and Plot 2 are coordinates of graves relative to the cemetery. Geographical coordinates are also well known and expedient in the art, therefore it would have been obvious to one of ordinary skill in the art to provide coordinates in view of Boek since he teaches using Geographic Information Systems and digitized maps to allow users to more easily locate individuals (Page 2, paragraph 2, lines 10-13).

Regarding claim 5, the rejection of claim 1 is incorporated and further Tipton disclosed wherein the database of records further comprises the names of cemeteries (Page 2 (links to cemetery, under individuals; Page 7; Page 14, paragraph 5).

Regarding claim 6, the rejection of claim 3 is incorporated and further neither Tipton nor Boek expressly teach comprising a password protected website configured to provide the digital representations contained within the grave image module to a user.

However, password protected websites are well known and expedient in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate password protection into the system of Tipton to allow limited user access to the website.

Regarding claim 7, the rejection of claim 1 is incorporated and further Tipton disclosed comprising a name module configured to access the records using the name of a deceased individual (Page 6).

Regarding claim 8, the rejection of claim 1 is incorporated and further Tipton disclosed comprising a cemetery module configured to access the records using the name of a cemetery (Page 7).

Regarding claim 9, the rejection of claim 1 is incorporated and further Tipton disclosed comprising a location module configured to access the records using a geographical location of a cemetery (Pages 7-9).

Regarding claim 10, the rejection of claim 1 is incorporated and further neither Tipton nor Boek disclosed further comprising a sound module configured to perform a phonetic search on a name of an individual. However, phonetic name searches are well known and expedient in the art. It would have been obvious to one of ordinary skill in the art to incorporate a phonetic search on the name of an individual in order to allow users to search for a name based on the way it sounds, and not necessarily the spelling.

Regarding claim 11, Tipton disclosed a method for accessing cemetery records, the method comprising:

providing a database of records, the records including biographical information of deceased individuals (Page 1, Page 10).

Tipton did not specifically disclose displaying to a user a representation of the records arranged to reflect the relative location of the graves to which the records correspond.

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However, in an analogous art, Boeck disclosed the above limitation (Page 2, paragraph 2, lines 10-13; Page 5 and 6 (where page 6 shows representation of the records from "view map" link shown on page 5)). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the representation of the records as taught by Boeck into the system of Tipton since it allows users to more clearly associate the records with the locations of the graves.

Regarding claim 12, the rejection of claim 11 is incorporated and further Tipton disclosed comprising displaying an alphabetical list of names of deceased individuals to a user (Pages 2-5).

Regarding claim 13, the rejection of claim 11 is incorporated and further Tipton disclosed comprising providing digital images of graves to a user (Page 10).

Regarding claim 14, the rejection of claim 11 is incorporated and further Boek disclosed providing the geographical coordinates of a grave to a user. (Page 5 and Page 6, where Lot 532 and Plot 2 are coordinates of graves relative to the cemetery.

Geographical coordinates are also well known and expedient in the art, therefore it would have been obvious to one of ordinary skill in the art to provide coordinates in view of Boek since he teaches using Geographic Information Systems and digitized maps to allow users to more easily locate individuals (Page 2, paragraph 2, lines 10-13).

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Regarding claim 15, the rejection of claim 11 is incorporated and further Boek disclosed wherein displaying a representation of the records further comprising accessing a GUI module through a website (Pages 3-6).

Regarding claim 16, the rejection of claim 15 is incorporated and further neither Tipton nor Boek expressly teach wherein accessing a GUI module further comprises providing a password protected website. However, password protected websites are well known and expedient in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate password protection into the system of Tipton to allow limited user access to the website.

Regarding claim 17, the rejection of claim 11 is incorporated and further neither Tipton nor Boek expressly teach accessing a GUI module through a computer readable device. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow access through a computer readable device since Tipton teaches accessing a GUI module through a website (Page 1).

Regarding claim 18, the rejection of claim 11 is incorporated and further neither Tipton nor Boek disclosed comprising performing a phonetic search on a name of an individual. However, phonetic name searches are well known and expedient in the art. It would have been obvious to one of ordinary skill in the art to incorporate a phonetic search on the name of an individual in order to allow users to search for a name based



on the way it sounds, and not necessarily the spelling.

Regarding claim 19, the rejection of claim 11 is incorporated and further Boek disclosed comprising creating a geographical map of a cemetery (Page 5, "view map"; Page 6).

Regarding claim 20, Tipton disclosed a method for accessing cemetery records, the method comprising:

- providing a database of records, the records including biographical information of deceased individuals (Page 1; Page 10);

- providing an alphabetical list of names of deceased individuals contained in the records to a user (Pages 2-5);

- providing digital representations of the graves to a user (Page 10).

Tipton did not specifically disclose displaying to a user a representation of the records arranged to reflect the relative locations of graves to which the records correspond; wherein displaying the representation of the records is conducted using a graphical user interface accessible through a password protected website. However, in an analogous art, Boeck disclosed the above limitation (Page 2, paragraph 2, lines 10-13; Page 5 and 6 (where page 6 shows representation of the records from "view map" link shown on page 5)). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the representation of the records as taught by Boeck into the system of Tipton since it allows users to more clearly associate the records with the locations of the graves. Also, password protected websites are well known and

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expedient in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate password protection into the system of Tipton to allow limited user access to the website.

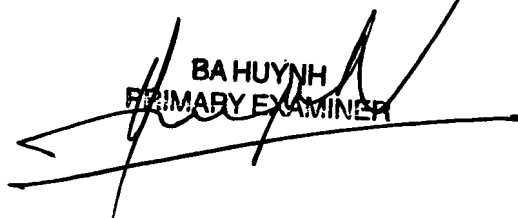
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim-Lynn Dam whose telephone number is (571) 270-1408. The examiner can normally be reached on M-TH 8:00-5:30, every other Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kim-Lynn Dam

  
BA HUYNH  
PRIMARY EXAMINER